



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 19, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ZON-22351 - APPLICANT/OWNER: KYLE ACQUISITION GROUP, LLC, ET AL**

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### **\*\* CONDITIONS \*\***

The Planning Commission (6-0-1/bg vote) and staff recommend APPROVAL.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This request is for the Rezoning of C-1 (Limited Commercial), C-2 (General Commercial), and U(PCD) [Undeveloped (Planned Community Development) General Plan Designation] to T-D (Traditional Development) on 7.27 acres at the southeast corner of Oso Blanca Road and the Hualapai Way alignment.

The proposed rezoning to the T-D (Traditional Development) zoning district is consistent with the proposed TND (Traditional Neighborhood Development) General Plan designation. In conjunction with the Kyle Canyon Development Standards and Design Guidelines and Master Development Agreement, this action will allow this area to develop as outlined by the General Plan and approval of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
02/05/03	The City Council approved an Annexation Petition (A-0038-02) to annex undeveloped property located in various parts of the city under the provisions of NRS 268.597 No. 1(b) include a portion of the subject site. Planning Commission and staff recommended approval.
12/01/04	The City Council approved a Resolution Adopting Guidelines for Development within the Kyle Canyon Gateway Area (R-176-2004) to provide direction for the future development, subsequent to an anticipated purchased at auction in February 2005, of approximately 1,700 acres of Bureau of Land Management (BLM) managed land.
06/15/05	The City Council approved a Special Use Permit (SUP-6401) and a Site Development Plan Review (SDR-6402) for a proposed 5,843 square-foot tavern to be located on a portion of this site. Planning Commission and staff recommended approval.
09/06/06	The City Council approved a Required Review (RQR-15486) for a one-year review of an approved Site Development Plan Review (SDR-6402) for a proposed 5,843 square foot tavern to be located on a portion of this site.
10/05/06	The Planning Commission approved a Site Development Plan Review (SDR-16166) for a proposed 5,843 square-foot tavern and 6,750 square-foot retail development to be located on a portion of this site. Staff recommended approval.
05/16/07	The City Council approved a Rezoning (ZON-20543) and Development Agreement (DIR-21605) to adopt the Kyle Canyon Development Standards and Design Guidelines and the Development Agreement for the Kyle Canyon Master Plan area. The Planning Commission and staff recommended approval.

07/18/07	The City Council approved a Review of Condition (ROC-22954) to remove extraneous conditions from a Rezoning (ZON-20543) approval. This rezoning action approved the Kyle Canyon Development Standards and Design Guidelines. Staff recommended approval.
07/25/07	Staff administratively approved a Parcel Map (PMP-22508) to merge and re-subdivide two lots that are a part of the subject site. This map was recorded on 07/31/07. The parcel map creates the lots reflected in the Rezoning (ZON-20475) and Special Use Permit (SUP-20478) for the approvals to meet the NRS 463.3086 requirements for a non-restrictive gaming facility.
08/15/07	The City Council will hear a Major Modification (MOD-22589) to clarify some street cross-sections and a Tentative Map (TMP-22586) to establish the Parent Tentative Map for the Kyle Canyon Master Plan area. Planning Commission and staff have recommended approval.
08/23/07	<p>The Planning Commission recommended approval of companion items GPA-20469, ZON-20475 and SUP-20468 concurrently with this application.</p> <p>The Planning Commission voted 6-0-1/bg to recommend APPROVAL (PC Agenda Item #22/rts).</p>
<b>Related Building Permits/Business Licenses</b>	
There are no building permits or businesses licenses related to this site or action.	
<b>Pre-Application Meeting</b>	
No specific pre-application conference was conducted for this application. As a part of the Kyle Canyon Master Plan meetings between the City and the Master Developer, submittal requirements for this application were discussed. A follow-up discussion was performed on 05/23/07 and a checklist was distributed at that time.	
<b>Neighborhood Meeting</b>	
08/07/07	<p>A neighborhood meeting was held at Mountain Crest Community Center, 4701 North Durango Drive. Approximately 75 to 80 members of the public attended. The meeting was held in an open house type format and 37 comment cards were received. The following is a summary of the comments received:</p> <ul style="list-style-type: none"> <li>• Many of the residents who were opposed to the casino expressed that they felt their neighborhood was already served by the Santa Fe Station and they would much prefer that no casino be built at all in the area.</li> <li>• Several said if it was to be approved, they'd like area residents to have input regarding the design and that it should be low key and not an "eyesore."</li> <li>• Several residents expressed concerns about the availability of water and a desire to see the entire community not built, while several others suggested that rather than a casino, we construct a water park type of amusement park or an amusement park like Six Flags or Disneyland so that no alcohol use would be permitted.</li> </ul>

	<ul style="list-style-type: none"><li>• Traffic was another concern, with residents suggesting that US 95 is already too congested and others expressing concern with increased traffic on Horse.</li><li>• Police protection problems were cited by several residents as concerns as well as environmental impacts.</li><li>• One commenter did not live in the surrounding neighborhood but expressed that he has hiked on this land for 22 years and would have preferred it stay in federal ownership – he was not aware that it had been purchased by a private company and expressed concern of the hiking community.</li><li>• Of those expressing positive response to the proposal, comments centered around the positive economic impact of the project as a whole and the availability of jobs in the area.</li><li>• Some expressed a belief that their property values would be enhanced by the casino and other development.</li><li>• Those commenting expressed that they'd like the hotel to be upscale and to incorporate the beauty of the area.</li><li>• Keeping the height at 160 feet was important to several responders</li><li>• Some expressed great enthusiasm and anticipation of a resort hotel casino – many comments were suggestive of the kinds of amenities residents would like to see at such a place – bowling, movie theaters, buffet, spa, concerts, and family oriented entertainment options.</li><li>• There was a preference for an “upscale” operator</li><li>• There was an expression of a desire for outside dining, and an excitement about the walkability of the community.</li><li>• One commenter expressed that this is a good location because it doesn't interfere with existing homes, and that if someone did not want to live near it, they know it exists now and wouldn't have to purchase a home in that community.</li><li>• There was a suggestion that the hotel casino could provide a horseback area, hayrides or some kind of a water park.</li><li>• A number of residents commented that the resort should resemble Green Valley Ranch or a JW Marriot and have an open, airy feel.</li><li>• Comments common to many had to do with specific traffic issues and specific requests related to the interchanges on US 95.</li></ul>
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<b>Field Check</b>	
06/08/07	The Department of Planning and Development conducted a site visit that found that the site was an unimproved desert with a few subdivision directional signs for area subdivisions. Additionally, there are some abandoned structures and trash dumped in scattered places. There are dispersed homes in the general area.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	7.27

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
	Undeveloped	PCD (Planned Community Development)	U(PCD) [Undeveloped (Planned Community Development) General Plan Designation]
	Undeveloped	PCD (Planned Community Development)	C-1 (Limited Commercial)
	Undeveloped	PCD (Planned Community Development)	C-2 (General Commercial)
North	Undeveloped	SC (Service Commercial)	U(SC) [Undeveloped (Service Commercial) General Plan Designation]
	Undeveloped	PCD (Planned Community Development)	U(PCD) [Undeveloped (Planned Community Development) General Plan Designation]
	ROW (US 95)	ROW (US 95)	ROW (US 95)
South	Undeveloped	TND (Traditional Neighborhood Development)	T-D (Traditional Development)
East	ROW (US 95)	ROW (US 95)	ROW (US 95)
West	Undeveloped	TND (Traditional Neighborhood Development)	T-D (Traditional Development)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Kyle Canyon	X		Y *
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
G-O Gaming Enterprise Overlay District	X		Y **
T-D Traditional Development District	X		Y *
<b>Trails</b>		X	n/a
<b>Rural Preservation Overlay District</b>		X	n/a
<b>Development Impact Notification Assessment</b>	X		Y ***
<b>Project of Regional Significance</b>	X		Y ***

\* A companion Rezoning (ZON-22351), if approved, would change the zoning category for the subject site to T-D (Traditional Development) and would include this area in the Kyle Canyon Master Plan Area.

\*\* A companion Rezoning (ZON-20475), if approved, will establish the G-O (Gaming Enterprise Overlay) District designation at this site. This is one of the necessary steps to approve a companion Special Use Permit (SUP-20478) for a non-restricted gaming facility and an eventual Site Development Plan Review for the siting of a future non-restricted gaming facility, hotel, and retail development.

\*\*\* The siting of a future non-restricted gaming facility, hotel, and retail development will meet the thresholds for both the Development Impact Notice Assessment (DINA) and Project of Regional Significance reporting requirements as it is providing greater than 300-units of tourist accommodations within the future hotel. The assessment and the corresponding comments for the entire Kyle Canyon Master Plan area were incorporated into the Development Agreement (DIR-21605) and this application should not further impacted those conclusions. Should an updated assessment be necessary, it will be require at the time of submission for the Site Development Plan Review.

## ANALYSIS

The subject site is located on the Centennial Hill Sector Map of the General Plan. There is a proposed General Plan Amendment (GPA-20469) for the site to designate it as TND (Traditional Neighborhood Development). This category would allow development that is characterized as a mixed-use development type that allows for a balanced mix of housing, commercial, and civic uses. It is intended to be organized as a series of pedestrian-oriented neighborhoods with a mixture of housing types, with the uses of daily living within proximity of dwellings. The TND (Traditional Neighborhood Development) category differs from other designations by focusing on pedestrian-oriented neighborhoods that de-emphasizes gated, private streets, cul-de-sacs and perimeter walls along the roadways.

The proposed rezoning to the T-D (Traditional Development) zoning district will allow the subject parcels to be included within a comprehensively-planned mixed-use community, with a minimum of eighty contiguous acres of land under one ownership or control, which can provide a balanced mix of residential, commercial and civic uses as outlined in Title 19.02 and further detailed in Title 19.06.160. The 7.27 acres under review are currently undeveloped parcels in the northwest area of the city that are under the same ownership or control as the neighboring 1,712 acres that currently make up the Kyle Canyon Master Plan parcels. Per Section 3.18 of the Development Agreement (DIR-21605), the subject parcels may be added to the approved agreement and Master Plan without an amendment. Inclusion of these parcels will allow for a level of cohesiveness for future development that is not currently required under the multiple zoning districts presently found here. Under the Kyle Canyon Master Plan the land use designation would be TC (Town Center Mixed-Use), which is generally to the west of the Horse Drive interchange on the U.S. 95 and is intended to be a walkable, mixed-use center of activity with residential, retail, employment, resort and office uses linked by trails and a network of streets and sidewalks.

The city's 2020 Master Plan specifically calls for the preparation, adoption, and implementation of special area plans for areas such as this site as identified under Objective 2.3 and Map 9. This rezoning action will conform to the policies that are espoused within the Kyle Canyon Development Standards and Design Guidelines, which will be the adopted special area plan for this region, and meets Objective 2.3 and Goal 3's various objectives for newly developing areas as outlined in the city's 2020 Master Plan.

The proposed rezoning to the T-D (Traditional Development) zoning district is consistent with the proposed TND (Traditional Neighborhood Development) General Plan designation. It would also make it consistent with surrounding future land use designations. Currently, the properties surrounding this parcel consist of undeveloped land that is zoned T-D (Traditional Development) and already a part of the Kyle Canyon Master Plan. This rezoning is one of the necessary steps in moving forward with including the subject site within the master plan for this area. For these reasons staff is recommending approval of this rezoning request.

This rezoning was submitted in conjunction with a proposed General Plan Amendment (GPA-20469) to TND (Traditional Neighborhood Development), Rezoning (ZON-20475) to G-O (Gaming Enterprise Overlay) District, and a Special Use Permit (SUP-20478) to allow a Non-Restricted Gaming Facility use. The proposed General Plan Amendment (GPA-20469) to TND (Traditional Neighborhood Development) and this rezoning are appropriate for approval, independent of the applications for the Rezoning (ZON-20475) to establish a G-O (Gaming Enterprise Overlay) District and the Special Use Permit (SUP-20478) to allow a Non-Restricted Gaming Facility use.

## **FINDINGS**

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

- 1. "The proposal conforms to the General Plan."**

The proposed rezoning would bring the zoning at this site into conformance with the proposed TND (Traditional Neighborhood Development) designation as listed under the Centennial Hills Sector Plan of the General Plan. The TND (Traditional Neighborhood Development) category allows for a balanced mix of housing, commercial, and civic uses. The Kyle Canyon Development Standards and Design Guidelines and Master Development Agreement accommodate a range of development options and is in compliance with the General Plan.

2. **“The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

The Kyle Canyon Development Standards and Design Guidelines and Master Development Agreement identify uses and densities that are compatible with the areas that are currently developed. None of these properties should be affected by the possibility of rezoning. The proposed rezoning would be compatible with the uses allowed within the special land use designations under the Kyle Canyon Master Plan that surround the subject properties. Further, there are specific provisions in Section 3.05 (c)(iv) of the Development Agreement and Section 8 of the Kyle Canyon Development Standards and Design Guidelines for the location of the intended use within an area such as this site will be designated.

3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

Growth and development factors indicate a need for future residential, commercial, and civic activities to locate in this area. Specifically, the Las Vegas 2020 Master Plan calls for the area where the subject site is located to be made a part of special area plans in order to provide more detailed planning in newly developing areas. Objective 2.3, Map 9, and Goal 3 all support the appropriateness of the T-D (Traditional Development) zoning district in the area given the proposed General Plan designation of TND (Traditional Neighborhood Development) on the subject site.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

The site will receive access from Hualapai Way and Iron Mountain Road as well as other major and minor streets that will be connected or developed as apart of the Kyle Canyon Development Standards and Design Guidelines and Master Development Agreement.



**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 42 by Planning Department

**APPROVALS** 0

**PROTESTS** 0